



**FINAL DETERMINATION**

**IN THE MATTER OF**

**TAYLOR AMAREL,  
Requester**

**v.**

**PENNSYLVANIA OFFICE OF THE  
GOVERNOR,  
Respondent**

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**Docket No: AP 2019-1796**

On August 23, 2019, Taylor Amarel (“Requester”) submitted a request (“Request”) to the Pennsylvania Office of the Governor (“Office”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking emails. On September 30, 2019, after extending the deadline to respond to the Request, 65 P.S. § 67.902, the Office denied the Request, stating the records are exempt as internal, predecisional deliberations, 65 P.S. § 67.708(b)(10)(i)(A). On October 7, 2019, the Requester filed an appeal with the OOR. On October 17, 2019, the Office submitted its position statement reiterating its reasons for denial. On October 18, 2019, the Office submitted an affidavit in support.

Section 1101(a)(1) of the RTKL states that an “appeal shall state the grounds upon which the requester asserts that the record is a public record, legislative record or financial record and shall address any grounds stated by the agency for delaying or denying the request.” 65 P.S. §

67.1101(a)(1); *see also* *Pa. Dep't of Corr. v. Office of Open Records*, 18 A.3d 429, 434 (Pa. Commw. Ct. 2011) (“[I]t is appropriate and, indeed, statutorily required that a requester specify in its appeal to Open Records the particular defects in an agency’s stated reasons for denying a RTKL request”). The Commonwealth Court has held that a requester must “state why the records [do] not fall under the asserted exemptions and, thus, [are] public records subject to access.” *Saunders v. Pa. Dep't of Corr.*, 48 A.3d 540, 543 (Pa. Commw. Ct. 2012).

In the appeal, the Requester does not state that the records are public records or address the Office’s grounds for denying the Request. Instead, the Requester explains that the Office cannot deny access to all documents and should only redact the records; however, these statements are insufficient to address 65 P.S. § 67.1101(a)(1). Accordingly, the appeal is **dismissed** pursuant to Section 1101(a)(1) of the RTKL. However, the Requester is not prohibited from filing a new request for these records, and if necessary, an appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).<sup>1</sup>

For the foregoing reasons, the Office is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.<sup>2</sup> This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

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<sup>1</sup> The OOR provides an online appeal form at <https://www.openrecords.pa.gov/Appeals/AppealForm.cfm>.

<sup>2</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

**FINAL DETERMINATION ISSUED AND MAILED: October 22, 2019**

/s/ Jill S. Wolfe

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APPEALS OFFICER  
JILL S. WOLFE, ESQ.

Sent to: Taylor Amaral (via email only);  
Thomas Howell, Esq. (via email only);  
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